

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PRESTON FRANK YOUNG,

Plaintiff,

v.

UNITED STATES MARSHALS OFFICE,  
LAS VEGAS, NV,

Defendant.

Case No. 2:10-CV-00071-KJD-RJJ

**ORDER**

Currently pending before the Court is the Report and Recommendation (#9) of Magistrate Judge Robert J. Johnston filed on March 19, 2010. On January 19, 2010, Plaintiff filed a Motion/Application for Leave to Proceed *in forma pauperis* (#1) and Motion for Appointment of Counsel (#2). The Court issued an Order (#3) setting a status hearing for February 11, 2010, requiring Plaintiff to appear, and admonishing Plaintiff that failure to appear may result in dismissal of the action. In spite of the Court's admonition, Plaintiff failed to appear at the status hearing. On February 26, 2010, the Court issued an Order to Show Cause (#6) setting a hearing for March 18, 2010, requiring Plaintiff to appear and show cause as to why the case should not be dismissed.

As stated above, on March 19, 2010, Magistrate Judge Johnston issued a Report and Recommendation indicating that Plaintiff failed to appear at the March 18, 2010 show cause hearing,

1 and recommending that, based upon Plaintiff's multiple failures to appear, the case be dismissed with  
2 prejudice. Additionally, the Report and Recommendation advised Plaintiff that pursuant to Local  
3 Rule IB 3-2, (former Local Rule 510-2) any objection to the Magistrate Judge's Report and  
4 Recommendation must be filed in writing and filed with the Clerk of the Court within ten (10) days  
5 after service of the Notice of Recommendation. To date, no objection has been filed.

6 The Court has reviewed the record in this case, together with the Magistrate Judge's Report  
7 and Recommendation, and adopts and affirms the Magistrate Judge's Report and Recommendation.  
8 Plaintiff has failed to appear at two hearings in which he was ordered to do so, and has made no  
9 attempt to show cause as to why this case should not be dismissed.

10 Accordingly, **IT IS HEREBY ORDERED** that the Magistrate Judge's Report and  
11 Recommendation (#9) is adopted and affirmed.

12 **IT IS FURTHER ORDERED** that this case is **DISMISSED** with prejudice.

13 DATED this 14th day of May 2010.

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17 Kent J. Dawson  
18 United States District Judge  
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